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SENATE BILL 2792

By Herron

AN ACT to amend the Tennessee Consumer Protection Act of 1977, Title 47, Chapter 18, relative to protection of out-of-state consumers.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 47-18-103, is amended by substituting periods for the semicolons at the end of items (2) and (7) and by adding the following immediately thereafter:

This definition and this act shall be construed to include consumers or persons within or outside the state of Tennessee if the business entity or other person alleged to have violated this act is located in whole or in part within the state of Tennessee;

SECTION 2. Tennessee Code Annotated, Section 47-18-103(9), is amended by inserting the language, "whether in part or wholly located within this state," between the words "means" and "the".

SECTION 3. Tennessee Code Annotated, Section 47-18-108, is amended by adding the following sentence at the end of subdivision (a)(4):

Such injunctions shall be enforceable against businesses or other persons that are located in whole or in part within the state of Tennessee and shall include prohibited actions related to consumers or other persons within or outside the state of Tennessee.

SECTION 4. Tennessee Code Annotated, Section 47-18-108, is amended by adding the following at the end of subdivision (b)(1):

Upon finding that a violation of this part has occurred, the court shall make every effort to make consumers and other persons whole by restoring to each person any ascertainable loss. Such losses shall be returned to affected consumers or other persons located within or outside the state of Tennessee if the business entity or other person violating the act is located in whole or in part within the state of Tennessee. Such finding shall not limit any consumer or other person's private right of action. However, any monies awarded to a particular consumer or other person as a result of an action commenced by the state shall operate as a set-off in any private right of action commenced by the individual.

SECTION 5. Tennessee Code Annotated, Section 47-18-108, is amended by adding the following at the end of subdivision (b)(3):

Such civil penalty may be awarded to the state for any violation involving consumers or other persons located within or outside the state of Tennessee if the business entity or other person violating this act is located in whole or in part within the state of Tennessee.

SECTION 6. Tennessee Code Annotated, Section 47-18-109, is amended by adding the following at the end of subdivision (a)(1):

An action may be brought by such person or other consumer located within or outside the state of Tennessee if the business entity or other person alleged to have violated the act is located in whole or in part within the state of Tennessee.

SECTION 7. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or application of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 8. This act shall take effect upon becoming a law, the public welfare requiring it.